

Chapter 21A.22
DEVELOPMENT STANDARDS - MINERAL EXTRACTION

Sections:

- 21A.22.010 Purpose. [SALT section 92]
- 21A.22.020 Exemptions. [SALT section 93]
- ~~21A.22.030 Grading permits required. [Repealed]~~
- 21A.22.XXX Preapplication community meeting. [SALT section 94 - NEW]
- 21A.22.XXX Nonconforming extractive operations. [SALT section 95]
- 21A.22.050 Periodic review. [SALT section 96]
- 21A.22.060 Site design standards. [SALT section 97]
- 21A.22.070 Operating standards. [SALT section 98]
- 21A.22.XXX Reclamation. [SALT section 99 amends and recodifies 16.82.110]
- ~~21A.22.080 Reclamation. [Repealed]~~
- 21A.22.XXX Mitigation and monitoring. [SALT section 100 - NEW]
- 21A.22.090 Financial guarantees. [SALT section 101]

NOTE: Sections amended are noted in brackets following the title. "SALT" means proposed Site Alteration Code pending at council (Proposed Ordinance 2000-0525)

1 SECTION 1. Ordinance 10870, Section 439, as amended, and K.C.C. 21A.22.010 are each
2 hereby amended to read as follows: [SALT Section 92]

3 **Purpose.** The purpose of this chapter is to establish standards ~~((which))~~ that minimize
4 the impacts of mineral ~~((extractive))~~ extraction operations upon surrounding properties by:

5 A. Ensuring adequate review of operating aspects of ~~((extractive))~~ mineral extraction
6 sites;

7 B. Requiring project phasing on large sites to minimize environmental impacts;

8 C. Requiring minimum site areas large enough to provide setbacks and mitigations
9 necessary to protect environmental quality; and

10 D. Requiring periodic review of ~~((extractive and processing))~~ mineral extraction
11 operations to ensure compliance with the most current operating standards.

12 For the purposes of this chapter, unless the context clearly requires otherwise, "mineral
13 extraction operations" means mineral extraction and processing operations.

14 SECTION 2. Ordinance 10870, Section 440, and K.C.C.21A.22.020 are each hereby
15 amended to read as follows: [SALT Section 93]

16 **Exemptions.** ~~((The provisions of))~~ This chapter shall ~~((not))~~ only apply to uses or
17 activities ~~((specifically exempted in K.C.C. 16.82.050))~~ that are mineral extraction operations.

18 SECTION 3. Ordinance 10870, Section 441, and K.C.C. 21A.22.030 are each hereby
19 repealed. [SALT Section 158.]

20 NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 21A.22 a new
21 section to read as follows: [SALT Section 94]

Preapplication community meetings. When a new mineral extraction operations site or establishment is proposed, or expansion of an existing mineral extraction operations site beyond the scope of the prior environmental review, a community meeting shall be convened by the applicant before submittal of an application.

A. At least two weeks before the meeting, notice of the meeting shall be:

1. Published in a local newspaper of general circulation in the affected area and mailed to the department and to the unincorporated area council serving the area in which potential sites are contemplated; and

2. Mailed to all property owners within one-quarter mile of any potential sites, or at least twenty of the nearest property owners to such sites, whichever is greater, and within five hundred feet of any proposed haul routes from those sites to the nearest highway. The mailed notice shall at a minimum contain a brief description and purpose of the project, approximate location noted on an assessor map with address and parcel number, photo or sketch of proposed facility, an estimate of the size and scope of the operation, proposed haul routes, a contact name and telephone number to obtain additional information and other information deemed necessary by King County. Because the purpose of the community meeting is to promote early discussion, applicants are encouraged to note any changes to the conceptual information presented in the mailed notice when they submit an application.

B. At the community meeting at which there must be at least one employee of the department of development and environmental services in attendance, the applicant shall provide information relative to existing residences and lot patterns within one-quarter mile of potential sites, and shall discuss reasons why alternative haul routes are unfeasible. Furthermore, any alternative routes identified by community members and provided to the applicant in writing at

least five days in advance of the meeting shall be preliminarily evaluated by the applicant and discussed at the meeting. A listing of the routes, identified in writing and provided to the applicant at or before the community meetings, shall be submitted to the department with the proposed application. Applicants shall also provide a list of meeting attendees and those receiving mailed notice, a record of the published meeting notice and documentation of the meeting at the time of application submittal.

SECTION 5. Ordinance 10870, Section 442, and K.C.C. 21A.22.040 are each hereby amended to read as follows: [SALT Section 95]

Nonconforming ~~((extractive))~~ mineral extraction operations. To the extent determined feasible by the ~~((county))~~ department, nonconforming ~~((extractive))~~ mineral extraction operations shall be brought into conformance with the operating conditions and performance standards of K.C.C. ~~((21A.22.070))~~ this title 21A during permit renewals. The schedule for conformance shall be developed during the first periodic review of the nonconforming mineral extraction operation and incorporated into the permit conditions.

SECTION 6. Ordinance 10870, Section 443, as amended and K.C.C. 21A.22.050 are each hereby amended to read as follows: [SALT Section 96]

Periodic review. ~~((Unless a more frequent review is required by the county, periodic review of extractive and processing operations shall be provided as follows:))~~

A. All ~~((extractive))~~ mineral extraction operations shall be subject to a review of ~~((development))~~ site design and operating standards at five year intervals~~((;))~~.

B. The periodic review shall be~~((;~~
~~1. C))~~ conducted by the director~~((or zoning adjustor pursuant to the review process outlined in K.C.C. 21A.42.040—.090.;;))~~ and shall include a written decision containing facts,

findings and conclusions supporting the decision, demonstrating compliance with the criteria in subsection C of this section and listing any conditions or limitations imposed.

~~((2. Used to))~~ C. The periodic review shall determine ((that)):

1. Whether the site is operating consistent with all existing permit conditions;

2. That the most current site design and operating standards ((and to establish)) are applied to the site through additional or revised permit conditions; and

3. Whether other conditions ((as)) necessary to mitigate identifiable environmental impacts need to be applied to the site through additional or revised permit conditions.

D. The director shall mail a copy of the written decision to the applicant and to all parties of record. The decision shall be compiled with all similar decisions and made available for public inspection.

E. The decision of the director shall be final unless the applicant or an aggrieved party files an appeal to the hearing examiner in accordance with K.C.C. chapter 20.24.

SECTION 7. Ordinance 10870, Section 444, as amended, and K.C.C. 21A.22.060 are each hereby amended to read as follows: [SALT Section 97]

Site design standards. Except as provided for nonconforming ~~((extractive))~~ mineral extraction operations in K.C.C. 21A.22.040, all ~~((extractive and processing))~~ mineral extraction operations shall~~((at minimum))~~, in addition to requirements in this title, comply with the following standards:

A. The minimum site area of ~~((an extractive))~~ a mineral extraction operation shall be ~~((10))~~ten acres.

B. ~~((Extractive))~~ Mineral extraction operations on sites larger than ~~((20))~~ twenty acres shall occur in phases to minimize environmental impacts. The size of each phase shall be determined during the review process~~((;))~~.

C. Fences shall be:

1. Provided in a manner ~~((which))~~ that discourages access to ~~((safety hazards which may arise on))~~ areas of the site where:

- a. active extracting, processing, stockpiling and loading of materials is occurring;
 - b. boundaries are in common with residential or commercial zoned property or public lands; or
 - c. any unstable slope or any slope exceeding a grade of ~~((40))~~ forty percent is present;
- ~~((or~~
~~—c. any settling pond or other stormwater facility is present;))~~

2. At least six feet in height above the grade measured at a point five feet ~~((from the))~~ outside ~~((of))~~ the fence and the fence material shall have no opening larger than two inches;

3. Installed with lockable gates at all openings or entrances;

4. No more than four inches from the ground to fence bottom; and

5. Maintained in good repair~~((;))~~.

D. Warning and trespass signs advising of the ~~((extractive))~~ mineral extraction operation shall be placed on the perimeter of the site adjacent to RA, UR or R zones at intervals no greater than ~~((200))~~ two hundred feet along any unfenced portion of the site where the items noted in subsection C.1.a~~((-))~~. through c. are present~~((;))~~.

E. Structural setbacks from property lines shall be as follows:

1. Buildings, ~~((or))~~ structures and stockpiles used in the processing of materials shall be no closer than:

a. One hundred feet from any ~~((UR or R))~~ residential zoned properties except that the setback may be reduced to ~~((50))~~ fifty feet when the grade where such building or structures are proposed is ~~((50))~~ fifty feet or greater below the grade of said ~~((UR or R))~~ residential zoned property~~((or))~~;

b. ~~((Twenty))~~ Fifty feet from any other zoned property, except when adjacent to another ~~((extractive))~~ mineral extraction site or an M zoned property~~((or))~~; and

c. ~~((Twenty))~~ Fifty feet from any public street~~((or))~~ or the setback from the zoned property on the far side of the street, whichever is greater; and

2. Offices, scale facilities, equipment storage buildings and stockpiles, including those for reclamation, shall not be closer than ~~((20))~~ fifty feet from any property line except when adjacent to another ~~((extractive))~~ mineral extraction site~~((or))~~ or M zoned property. Facilities necessary to control access to the site, when demonstrated to have no practical alternative, may be located closer to the property line.

F. ~~((No))~~ On-site clearing, grading or excavation, excluding that necessary for required access restrictions, roadway or storm drainage facility construction or activities pursuant to an approved reclamation plan, shall not be permitted within ~~((20))~~ fifty feet of any property line except along any portion of the perimeter adjacent to another ~~((extractive))~~ mineral extraction operation ~~((provided that such activities may be pursuant to an approved reclamation plan;))~~ or M--zoned property. Temporary disturbance resulting from construction of noise attenuation features located farther than fifty feet shall be permitted provided the native vegetation is restored.

G. Landscaping ~~((as required pursuant to))~~ consistent with type 1 screening K.C.C. chapter 21A.16, except using only plantings native to the surrounding area, shall be provided along any portion of the site perimeter where disturbances such as site clearing and grading, or mineral extraction or processing is performed, except where adjacent to another ~~((extractive))~~ mineral extraction operation~~((; and))~~.

H. Lighting shall:

1. Be limited to that required for security, lighting of structures and equipment, and vehicle operations; and

2. Not ~~((direct))~~ directly glare onto surrounding properties.

SECTION 8. Ordinance 10870, Section 445, as amended and K.C.C. 21A.22.070 are each hereby amended to read as follows: [SALT Section 98]

Operating conditions and performance standards. ~~((All of))~~ Operating conditions and performance standards shall be as specified in K.C.C. ~~((16.82))~~ chapter 21A.22 except:

A. Noise levels produced by ~~((an extractive))~~ a mineral extraction operation shall not exceed levels specified by ~~((the King County Noise Ordinance))~~ K.C.C. chapters 12.86 through 12.100.

B. Blasting shall be conducted under an approved blasting plan:

1. Consistent with the methods specified in the Office of Surface Mining, 1987 Blasting Guidance Manual in a manner that protects from damage all structures, excluding those owned and directly used by the operator, and persons in the vicinity of the blasting area, including but not limited to adherence to the following:

a. airblast levels shall not exceed one hundred thirty-three dBL measured by a two Hz or lower flat-response system at the nearest residential property or place of public assembly;

b. flyrock shall not be cast one-half the distance to the nearest residential property, place of public assembly or the property boundary, whichever is less, and

c. ground motion shall not exceed ground vibration levels damaging to structures using one of the four accepted methods in the Blasting Guidance Manual;

2. During daylight hours; and

3. According to a time schedule, provided to residents within one-half mile of the site, that((:

—a.)) features regular or predictable times, except in the case of an emergency((; and

—b. ~~is provided to residents within one-half mile of the site;))~~. Changes in the time schedule shall be provided to residents seventy two hours before the start.

C. Dust and smoke produced by ~~((extractive))~~ mineral extraction operations shall ~~((not substantially increase the existing levels of suspended particulates at the perimeter of the site and shall))~~ be controlled by watering of the site and equipment or other methods specified by the ~~((county))~~ department to:

1. Comply with a valid operating permit from the Puget Sound Air Pollution Control Agency. Copies of the Puget Sound Air Pollution Control Agency permit shall be kept onsite and available for department and public inspection. Copies of the Puget Sound Air Pollution Control Agency monitoring results shall be provided to the department on permit monitoring data submittal dates; and

2. Not significantly increase the existing levels of suspended particulates at the perimeter of the site to comply with the King County Erosion and Sediment Control Standards((;)).

D. The applicant shall ~~((provide for measures to))~~ prevent ~~((transport of))~~ rocks, dirt,
~~((and))~~ mud and any raw or processed material from spilling from or being tracked by trucks
 onto public roadways and shall be responsible for cleaning debris or repairing damage to
roadways caused by the operation~~((;))~~.

E. The applicant shall provide ~~((F))~~ traffic control measures such as ~~((flagmen))~~ flaggers
 or warning signs as determined by the ~~((county shall be provided by the applicant))~~ department
 during all hours of operation~~((; and))~~.

F. ~~((The applicant shall be responsible for cleaning of debris or repairing of damage to~~
~~roadways caused by the operation.))~~ Surface water and site discharges shall be controlled to
comply with K.C.C. chapter 9.04, King County Erosion and Sediment Control Standards and a
valid National Pollutant Discharge Elimination System permit. Copies of the erosion and
sediment control plan and the National Pollution Discharge Elimination System permit shall be
kept onsite and available for department and public inspection. Copies of the National Pollution
Discharge Elimination System monitoring results shall be provided to the department on permit
monitoring data submittal dates and the department shall make the results available for public
inspection. If the department determines that National Pollution Discharge Elimination System
monitoring frequency or type is not adequate to meet the demands of the site and the
requirements of this subsection, more frequent and detailed monitoring, together with a program
designed to bring the site into compliance, may be required;

G. Excavation shall not occur below the contours determined through hydrologic studies
necessary to protect groundwater and perched aquifers;

H. Noxious weeds shall be controlled on the site and shall use mechanical means
whenever feasible where transport of herbicides to surface or ground water is possible;

I. Upon depletion of mineral resources or abandonment of the site, all structures, equipment and appurtenances accessory to operations shall be removed; and

J. Failure to comply with this section shall require modifications to operations, procedures or equipment until such compliance is demonstrated to the satisfaction of the department. Such modifications may require a permit revision if they are inconsistent with the approved permit conditions.

SECTION 9. K.C.C. 16.82.110 is hereby recodified as a new section in K.C.C. chapter 21A.22.

SECTION 10. Ordinance 1488, Section 12, as amended and K.C.C. 16.82.110 are each hereby amended to read as follows: [SALT Section 99]

((Land restoration)) Reclamation. A. A valid clearing and grading permit shall be maintained on a mineral extraction site until the reclamation of the site required under chapter 78.44 RCW is completed.

B. A reclamation plan approved in accordance with RCW 78.44.090 shall be submitted before the effective date of a rezone approval in Mineral-zoned properties or the acceptance of any development proposal for a subsequent use in Forest-zoned properties. The rezone shall grant potential zoning that is only to be actualized, under K.C.C. chapter 20.24, upon demonstration of successful completion of all requirements of the reclamation plan.

Development proposals in the Forest zone for uses subsequent to mineral extraction operations shall not be approved until demonstration of successful completion of all requirements of the reclamation plan except that forestry activities may be permitted on portions of the site already fully reclaimed.

C. Mineral extraction operations that are not required to have an approved reclamation plan under chapter 78.44 RCW shall meet the following:

~~((A))~~1. Upon the exhaustion of minerals or materials or upon the permanent abandonment of the quarrying or mining operation, all nonconforming buildings, structures, apparatus or appurtenances accessory to the quarrying and mining operation shall be removed or otherwise dismantled to the satisfaction of the director~~((-- This requirement shall not require land restoration on projects completed prior to January 1, 1971, except those covered under previously existing zoning requirements.))~~;

~~((B))~~2. Final grades shall:

a. be such so as to encourage the uses permitted within the primarily surrounding zone or, if applicable, the underlying or potential zone classification~~((--))~~;

b. result in drainage patterns that reestablish natural conditions of water velocity, volume, and turbidity within six months of reclamation and that precludes water from collecting or becoming stagnant. Suitable drainage systems approved by the department shall be constructed or installed where natural drainage conditions are not possible or where necessary to control erosion. All constructed drainage systems shall designed consistent with the Surface Water Design Manual;

~~((C))~~3. ~~((G))~~All areas subject to grading or backfilling shall ~~((be made with))~~;

a. incorporate only nonnoxious, nonflammable, noncombustible and nonputrescible solids~~((--))~~;

~~((D))~~ b. ~~((Such graded or backfilled areas,))~~ except for roads and areas incorporated into drainage facilities, ~~((shall))~~ be ~~((seeded or))~~ surfaced with soil of a quality at least equal to the topsoil of the land areas immediately surrounding, and to a depth of ~~((at least four inches or a~~

~~depth of that of~~) the topsoil of land area immediately surrounding (~~if less than four~~) six inches,
whichever is greater. The topsoil layer shall have an organic mater content of eight to thirteen
percent and a pH of 6.0 to 8.0 or matching the pH of the original undisturbed soil layer.
Compacted areas such as pit floors or compacted fill shall be tilled or scarified prior to topsoil
placement;

4. All reclaimed slopes shall comprise an irregular sinuous appearance in both profile
and plan view and blend with adjacent topography to a reasonable extent and;

a. if cut into unconsolidated material, shall:

(1) have varied steepness ranging from two to three horizontal to one vertical;

(2) not exceed one and one half horizontal to one vertical except as necessary to
blend with adjacent natural slopes, create sinuous topography and control drainage; and

(3) compact any backfilling required to produce the final reclaimed slopes as
determined by the department; and

b. if cut into consolidated material, shall not exceed two horizontal to one vertical
except where demonstrated to the satisfaction of the department that:

(1) the geologic or topographic characteristics of the site preclude reclamation of
slopes to such angle or height;

(2) such slopes constitute an acceptable subsequent use; and

(3) it does not constitute a safety hazard;

5. Where excavation has penetrated the seasonal or permanent water table creating a
water body or wetland:

a. all side slopes below the permanent water table and banks shall be graded or shaped
as to not constitute a safety hazard;

b. natural features and plantings to provide beneficial wetland functions and promote wildlife habitat shall be provided; and

c. appropriate drainage controls shall be provided to stabilize the water level and not create potential flooding hazards;

~~((E))~~6. ~~((Such))~~ All cleared, graded or backfilled areas, including areas surfaced with topsoil ~~((as required by subdivision D))~~, shall be planted with diverse trees, shrubs, legumes ~~((or))~~and grasses ~~((, and said flora shall be so selected as to be))~~ indigenous to the surrounding area~~((:))~~ and appropriate for the soil, moisture and exposure conditions;

~~((F. Graded or backfilled areas shall be reclaimed in a manner which will not allow water to collect and permit stagnant water to remain. Suitable drainage systems approved by the department of natural resources and parks shall be constructed or installed if natural drainage is not possible.))~~

~~((G))~~ 7. Waste or soil piles shall be ~~((leveled and the area treated as to sodding or surfacing))~~ used for grading, backfilling or surfacing if permissible under this section, then surfaced and ~~((planting as required in))~~ planted in accordance with subsections ~~((D))~~C.3 and ~~((E))~~ 6. of this section. Waste piles not acceptable to be used for fill in accordance with this chapter or as topsoil in accordance with subsection C.3 of this section shall be removed from the site; and

8. Where excavation has exposed natural materials that may create polluting conditions, including but not limited to acid-forming coals and metalliferous rock or soil, such conditions shall be addressed to the satisfaction of the department. The final ground surface shall be graded so that surface water drains away from any such materials remaining on the site.

H. The department may modify any requirement of this subsection when not applicable for or in conflict with an approved subsequent use for the site.

SECTION 11. Ordinance 10870, Section 446, as amended, and K.C.C. 21A.22.080 are each hereby repealed: [SALT Section 159.]

NEW SECTION. SECTION 12. There is hereby added to K.C.C. chapter 21A.xx a new section to read as follows: [SALT Section 100]

Mitigation and monitoring.

A. Unless otherwise provided, the applicant shall mitigate adverse impacts resulting from the extraction or processing operations and monitor to demonstrate compliance with the requirements of this chapter.

SECTION 13. Ordinance 10870, Section 447, as amended and K.C.C. 21A.22.090 are each hereby amended to read as follows: [SALT Section 101]

Financial guarantees. Financial guarantees shall be required consistent with ~~((the provisions of))~~ K.C.C. Title 27A.